

★ DEC 28 2021 ★

BROOKLYN OFFICE

December 19, 2021

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The Honorable Raymond J. Dearie
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201



re: United States v. Andre Wilburn, case No. 19-CR-139 (RJD)

Dear Judge Dearie:

The defendant, Andre Wilburn, without waiving any other motions, and to be considered in addition to and in connection with any previously submitted motions and any previously submitted or future Speedy Trial Motions, respectfully writes the Court to assert his Constitutional Speedy Trial right pursuant to the Sixth Amendment to the United States Constitution. As a basis, the defendant sets forth the following:

Although the Fifth Amendment due process clause is the typical remedy for sentencing delays, the fact that as of the date of this letter, the Court has yet to formally accept the defendant's guilty plea on-the-record translates to the Sixth Amendment "speedy trial clause appl[ying] with full force." *United States v. Roberts*, 515 F.2d 642 (2d Cir. 1975).

Therefore, the defendant would like to formally assert his speedy trial right on-the-record.

I affirm under penalty of perjury that the foregoing is true and correct.
Executed on December 19, 2021.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

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U.S. DISTRICT COURT E.D.N.Y.



Respectfully submitted,

Andre Wilburn

Andre Wilburn # 73608-298

MDC Brooklyn

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Brooklyn, NY 11232

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United States District Court
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